

# Court of Appeals, State of Michigan

## ORDER

DaimlerChrysler Corp v Hadler Public Relations, Inc

Docket No. 266608

LC No. 02-229070-CK

William C. Whitbeck, CJ  
Presiding Judge

Brian K. Zahra

Pat M. Donofrio  
Judges

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The Court orders that the motion for reconsideration is DENIED.

Judge Zahra would GRANT the motion for reconsideration. While plaintiff discussed the applicability of the Services Agreement in response to Commercial Union Insurance Co.'s (CU) dispositive motion, this cannot form a basis upon which to base a finding that plaintiff was collaterally estopped in the Michigan litigation. California Rules of Court 342 requires motions for summary disposition to be supported by a Separate Statement identifying the issues in dispute. CU's Separate Statement made no reference to the Services Agreement and, therefore, the issue was not properly before the California Court and could not form the basis of the judgment. Moreover, the California Court of Appeals acknowledged that the Michigan case raised different claims and issues.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 08 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk